

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 137 of 1980

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
No
 2. To be referred to the Reporter or not? No :
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
No
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
No
 5. Whether it is to be circulated to the Civil Judge? No :

RABARI CHANA MULU

Versus

MER LAKHMAN KARA

Appearance:

MR JR NANAVATI for Petitioner

MR BD KARIA for Respondent No. 1

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 04/05/2000

ORAL JUDGEMENT

1. This is an Appeal against the Judgment and decree dated 16.11.1979 of Assistant Judge, Porbandar, decreeing the Suit of the plaintiff for a specific performance of Agreement to Sell. During pendency of the Appeal compromise was entered into between the parties out-side

the Court on 2.4.2000 whereby the Agreement to Sell dated 31.1.1975 was set aside by the parties. The Zerox copy of the said Agreement annexed with a note is filed today in this behalf. It is mentioned in Para : 2 of the Note that in view of cancellation of Agreement to Sell and compromise between the parties through Agreement dated 2.4.2000 the plaintiff may be permitted to withdraw the original Suit and Decree passed in his favour may be set aside.

2. In view of these developments the Appeal succeeds and is allowed. The Judgment and Decree of the Court below are set aside. The Suit of the plaintiff is dismissed as withdrawn with no order as to cost in the Lower Court as well as in this Court.

Note along with zerox copy of the Agreement shall form part of the record.

sd/-

Date : May 04, 2000 (D. C. Srivastava, J.)

sas